

**REMARKS**

This Application has been carefully reviewed in light of the Final Office Action mailed January 12, 2005. At the time of the Final Office Action, Claims 1-20 were pending in this Application. Claims 1-20 were rejected. Claims 1-3, 5, 6, 9, 11-13, 15, 16 and 18 have been amended to further define various features of Applicants' invention. Applicants respectfully request reconsideration and favorable action in this case.

**Rejections under 35 U.S.C. §102**

*Claims 1, 2, 16, 17, and 19*

Claims 1, 2, 16, 17, and 19 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,835,695 issued to Michael J. Noll ("Noll"). Applicants traverse and submit that Claims 1, 2, 16, 17 and 19 are not anticipated by Noll.

The Noll reference teaches a computer system that includes a primary BIOS and a secondary BIOS. See Figure 1 and Col. 3, lines 15-22. The secondary BIOS of Noll acts as a back up to the primary BIOS in the computer system. See Col. 2, lines 30-42.

Independent Claims 1 and 16 of the present embodiments are directed to a method for a multi-node computer system and a program product for a multi-node computer system, respectively. Among other limitations, Independent Claims 1 and 16 include limitations related to a first central processing hub, a second central processing hub, and a multiport switch therebetween. Because Noll is related to a single computer system and is not directed to a multi-node system, Noll fails to disclose, teach or suggest any of these elements.

Accordingly, a rejection under 35 U.S.C. §102 is unsupported and Applicants request the Examiner to withdraw the rejection of Claims 1, and 16 or Claims 2, 17 and 19 which depend therefrom.

**Rejections under 35 U.S.C. §103**

*Claims 3-5, 7 and 18*

Claims 3-5, 7 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Noll in view of U.S. Patent Application Publication Number 2002/0147941 filed by Robert Gentile ("Gentile"), and in further view of Applicants' admitted prior art ("AAPA"). Applicants respectfully traverse. In order to make obvious Applicant's claimed invention, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Claims 3-5 and 7 depend from Independent Claim 1. Claim 18 depends from Independent Claim 16. As described above, Independent Claims 1 and 16 include limitations related to a first central processing hub, a second central processing hub, and a multiport switch therebetween. Claims 1 and 16 also recite that the multi-port switch is configured to provide a communication path between the first CPU hub and the second CPU hub using an error recovery code.

AAPA discloses only that multiport switches are used to interconnect I/O hubs of nodes; the configuration accomplished by the hubs. See Page 3, line 5-10. Gentile is not specifically directed at a multi-node computer system but is directed to a general network. See Col. 1, paragraph 10. Neither reference teaches, for example, using error recover code to configure the multiport switches between nodes.

Applicants submit that Noll, AAPA and Gentile, taken alone or in combination cannot render obvious Claims 3-5, 7 and 18 because they fail to teach each and every limitation of Independent Claims 1 and 16. Accordingly, Applicants request reconsideration, withdrawal of the rejections under §103 and full allowance of Claims 3-5, 7 and 18.

*Claims 9, 10, and 12 Claims*

Claims 9, 10, and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gentile in view of Noll. Independent Claim 9 include limitation corresponding to the limitation of Independent Claims 1 and 16 discussed above. For corresponding reasons, Applicants submit that Gentile and Noll, alone or in combination, fail to teach each and every limitation of Claim 9. Applicant request reconsideration, withdrawal of the §103 rejection and full allowance of Claim 9 and Claims 10 and 12 which depend therefrom.

*Claims 6, 8, 11, 13-15, and 20*

Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Noll in view of Gentile and AAPA, and further in view of U.S. Patent Application Publication 2002/0091807 filed by Brian Gerard Goodman (“Goodman”). Claims 8 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Noll in view of U.S. Patent Application Publication 2002/0073353 filed by Andrew J. Fish et al. (“Fish et al.”). Claims 11 and 13-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gentile in view of Noll, and further in view of AAPA.

Applicants submit that Claims 6, 8, 11, 13-15 and 20 depend from claims that have been placed in condition for allowance. Applicants request reconsideration, withdrawal of the rejections under 35 U.S.C. §103 and full allowance of Claims 6, 8, 11, 13-15 and 20.

**CONCLUSION**

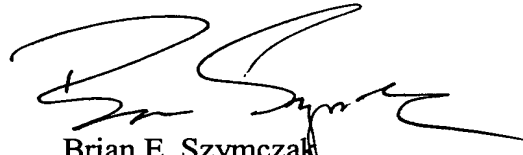
Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of Claims 1-20 as amended.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees to Deposit Account No. 02-0383 of Baker Botts L.L.P. in order to effectuate this filing.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2545.

Respectfully submitted,

BAKER BOTTS L.L.P.  
Attorney for Applicants



Brian E. Szymczak  
Reg. No. 47,120

SEND CORRESPONDENCE TO:

Baker Botts L.L.P.

CUSTOMER ACCOUNT NO. **23640**

512.322.2548

512.322.8340 (fax)

Date: 3/8/05